

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA)	
)	
Plaintiff)	
)	
v.)	Criminal No. TDC-14-529
)	
VADIM MIKERIN,)	
)	
Defendant)	

CONSENT MOTION FOR FINAL ORDER OF FORFEITURE

The United States of America respectfully states as follows:

I. PROCEDURAL HISTORY

1. Pursuant to a written plea agreement (Dkt. No. 103), defendant Vadim Mikerin (the “defendant” or “Mr. Mikerin”) pled guilty to a one-count Superseding Information (Dkt. No. 98) charging him with Conspiracy to Commit Money Laundering in violation of Title 18, United States Code, Sections 371. The Information included a forfeiture allegation pursuant to Title 18, United States Code, Section 982(a)(1), and Title 28, United States Code, Section 2461(c). The forfeiture allegation did not set forth specific properties but instead alleged “a money judgment in the amount of \$2,126,622.36 and all interest and proceeds traceable thereto, in that such sum in aggregate constitutes proceeds obtained, directly or indirectly, as a result of such violation.”

2. As part of the plea agreement and stipulated facts in this case, the defendant agreed to the forfeiture money judgment of \$2,126,622.36 (Dkt. Nos. 103 and 103-1).

II. DETERMINATION OF A MONEY JUDGMENT

3. Rule 32.2(b)(1)(A) provides that the court shall determine “the amount of money that the defendant will be ordered to pay.” Defendants are not entitled to a jury determination on the amount of a money judgment. *See United States v. Grose*, 461 Fed. Appx. 786, 806, 806-07

(10th Cir. Feb. 23, 2012) (rejecting argument that jury can determine money judgment amount under Rule 32.2(b)(5)(A)); *United States v. Gregoire*, 638 F.3d 962, 972 (8th Cir. 2011) (holding that adjudication by a jury is unavailable as to money judgments, because Rule 32.2(b)(5)(A) only applies to the ability to forfeit specific property) (citation omitted); *United States v. Tedder*, 403 F.3d 836, 841 (7th Cir. 2005) (“Rule 32.2 does not entitle the accused to a jury’s decision on the amount of the forfeiture.”).

4. Here, the parties consent to the imposition of a forfeiture money judgment in the amount of \$2,126,622.36, and request that this Court impose such forfeiture. As described in the plea agreement and stipulated facts, this amount reflects the undisputed proceeds of the defendant’s conspiracy with others, between in or about 2004 and in or about October 2014, to transport, transmit, and transfer approximately \$2,126,622.36 from the United States to places outside the United States with the intent to promote the carrying on of violations of the Foreign Corrupt Practices Act..

5. The defendant consents to the forfeiture money judgment contained in the proposed Order.

WHEREFORE, the United States respectfully requests that this Court issue the proposed Final Order of Forfeiture.

Dated: December 1, 2015

Respectfully submitted,

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Chief, Fraud Section
Criminal Division
U.S. Department of Justice

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